

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	File Number 103292
Cecil M. Kirkland)	
)	Consent Order Revoking
20 Magnolia Road)	Resident Insurance Agent's License and
Charleston, South Carolina 29407)	Surety Bail Bondsman's License
_____)		

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the South Carolina Department of Insurance upon Cecil M. Kirkland, a licensed South Carolina resident insurance agent and a licensed resident surety bail bondsman, both by certified mail, return receipt requested, and by regular mail on August 8, 2000.

That letter informed Cecil M. Kirkland of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. That letter further warned that his failure to make a timely, written request for a hearing would result in my summary revocation of his license to do business as a resident insurance agent and resident surety bail bondsman within the State of South Carolina. Despite that warning, as of December 28, 2000 Cecil M Kirkland had neither timely answered nor requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to transact business as a resident surety bail bondsman within the State of South Carolina, Cecil M. Kirkland pled guilty in the United States of America vs. Cecil M. Kirkland, (Criminal) Docket Number 2:99-749, and convicted by the Federal District Court of South Carolina, Charleston Division, of five counts of "Counterfeiting. Those acts, as alleged, are a direct violation of S.C. Code Ann. § 38-55-150 (6) (Supp 1999) and can ultimately lead to the revocation of Cecil M. Kirkland's license as a resident surety bail bondsman. These acts, as alleged, are also a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 1999), which provides the Director of Insurance or his designee with the power to "revoke or suspend an [insurance] agent's license after ten day's notice...when it appears that an agent...has been convicted of a crime involving moral turpitude...or has willfully deceived or dealt unjustly with the citizens of this state."

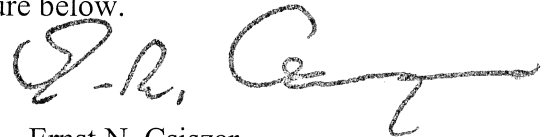
In accordance with my findings of fact, and considering Cecil M. Kirkland's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Cecil M Kirkland violated S.C. Code Ann. §§ 38-53-150 (6) (Supp. 1999) and S.C. Code Ann. § 38-43-130 (Supp. 1999) and that his resident surety bail bondsman license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp. 2000) of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that Cecil M Kirkland's license to transact business as a resident surety bail bondsman within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this consent order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Cecil M. Kirkland is currently licensed through the State of South Carolina Department of Insurance.

This order takes effect upon the date of my signature below.

A handwritten signature in dark ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

12/28/2000, at
Columbia, South Carolina